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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1637

Customer No. 23643

Confirmation No.: 5884

Application No.: 10/074,169

Invention: **Automated Analysis of Real-Time Nucleic Acid Amplification**

Applicant: Carl T. Wittwer

Filed: February 12, 2002

Attorney Docket: 7475-70049

Examiner: J.N. Fredman

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on October 21, 2005

Rebecca Ball
(Signature)

Rebecca L. Ball
(Printed Name)

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby request a two-month extension of time to respond to the Office Action mailed on May 23, 2005. Our check in payment of the two-month extension of time fee under 37 C.F.R. § 1.17(a)(2) is enclosed.

Claims 1 and 3-10 are pending in this application. Claims 2 and 11-13 have been canceled without prejudice. A final rejection of claims 1 and 3-10 was mailed from the U.S. Patent and Trademark Office on May 23, 2005. Applicants hereby appeal the Examiner's rejection of claims 1 and 3-10.

Enclosed is a check for payment of the fee specified under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal. The Commissioner is hereby authorized to charge any additional amounts, or to credit any overpayment, to our Deposit Account No. 10-0435, with

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02 FC:1252

500.00 DP
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reference to our matter number 7475-70049. A duplicate copy of this Notice is enclosed for this purpose.

Respectfully submitted,



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